

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

House Bill 4883

BY DELEGATE CAMPBELL

[Introduced February 11, 2020; Referred to the
Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §62-1-5b, relating to criminal procedure; body search procedure; and
 3 providing for a felony offense for failure to disclose possession of hypodermic needles.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. PRELIMINARY PROCEDURE.

§62-1-5b. Body search accompanying arrest; duty to inform law-enforcement officer of possession of hypodermic needles; felony offense and penalty.

1 Any person who is arrested and subject to a body search by law-enforcement officers,
 2 medical or EMT personnel, shall disclose that the person has a hypodermic needle or any other
 3 item in his or her possession that could puncture the skin of the law-enforcement officers, EMT
 4 personnel or medical staff, including doctors, nurses, and any other members of a hospital staff.
 5 Any person, who fails to make that disclosure and a law-enforcement officer, medical or EMT
 6 personnel is stuck with a needle or other sharp object, is guilty of a felony and, upon conviction
 7 thereof, shall be imprisoned in a state correctional facility not more than two to five years and
 8 fined up to \$10,000.

NOTE: The purpose of this bill is to require persons who are arrested and subject to a body search to disclose the possession of a hypodermic needle or other sharp object. The bill also provides that if law enforcement, medical or EMT personnel are injured by such an object, a felony has occurred.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.